

1 Ramon Rossi Lopez - rlopez@lopezmchugh.com
(California Bar Number 86361; admitted *pro hac vice*)
2 Lopez McHugh LLP
100 Bayview Circle, Suite 5600
3 Newport Beach, California 92660
949-812-5771

4 Mark Stephen O'Connor (011029) – mark.oconnor@gknet.com
5 Gallagher & Kennedy, P.A.
2575 East Camelback Road
6 Phoenix, Arizona 85016-9225
602-530-8000

7 Julia Reed Zaic, Esq. – julia@hrzlaw.com
8 (California Bar Number 224671; admitted *pro hac vice*)
Laura Smith, Esq.
9 (California Bar Number 313879; admitted *pro hac vice*)
Heaviside Reed Zaic
10 312 Broadway, Suite 203
Laguna Beach, California 92660
11 949-715-5120

12 *Counsel for Plaintiffs*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products
16 Liability Litigation

No. MD-15-02641-PHX-DGC

**PLAINTIFFS' NOTICE OF LODGING
DOCUMENTS UNDER SEAL FOR
PLAINTIFFS' CONTROVERTING
STATEMENT OF FACTS IN
OPPOSITION TO BARD'S MOTION
FOR SUMMARY JUDGMENT
REGARDING PREEMPTION**

21 Pursuant to LRCiv 5.6(d), Plaintiffs submit this Notice of Lodging Documents
22 Under Seal for Plaintiffs' Controverting Statement of Facts In Opposition to Bard's
23 Motion for Summary Judgment Regarding Preemption.

24 Plaintiffs provide notice that, pursuant to LRCiv 5.6(d), they have lodged with the
25 Court the documents listed on Exhibit A to this Notice.

26 Defendants contend that the documents listed in Exhibit A are confidential and
27 should be filed under seal. As required under LRCiv 5.6(d), Plaintiffs certify that on
28 August 31, 2017, the parties met and conferred in good faith and were unable to agree

1 about whether the documents are confidential under the Protective Order and should be
 2 filed under seal. Plaintiffs do not believe that the disputed documents warrant continued
 3 confidential treatment as proprietary or sensitive trade secret information.

4 Since Bard's filing of its Motion to Seal in support of their Motion for Summary
 5 regarding Preemption (Dkt. 5396 & Dkt. 5401) in May, the parties have met and
 6 conferred on multiple occasions regarding the numerous documents at issue. As a result,
 7 on August 28, 2017, Bard filed unsealed a large number of the documents previously
 8 lodged conditionally under seal. (See, Dkt. 7329).

9 This dispute notwithstanding, the parties have agreed to continue to meet and
 10 confer on the documents at issue; Defendants agreed to suggest proposed redactions and
 11 the potential withdrawal of confidential status of the lodged exhibits before filing their
 12 Motion to Seal Exhibits Related to Plaintiffs' Controverting Statement of Facts In
 13 Opposition to Bard's Motion for Summary Judgment Regarding Preemption.

14 RESPECTFULLY SUBMITTED this 1st day of September, 2017.

15 GALLAGHER & KENNEDY, P.A.

16 By: /s/ Mark S. O'Connor

17 Mark S. O'Connor
 18 2575 East Camelback Road
 19 Phoenix, Arizona 85016-9225

20 LOPEZ McHUGH LLP

21 Ramon Rossi Lopez (CA Bar No. 86361)
 22 (admitted *pro hac vice*)
 23 100 Bayview Circle, Suite 5600
 24 Newport Beach, California 92660

25 HEAVISIDE REED ZAIC

26 Julia Reed Zaic, Esq. (CA Bar No. 224671)
 27 (admitted *pro hac vice*)
 28 Laura Smith, Esq. (CA Bar No. 313879)
 (admitted *pro hac vice*)
 312 Broadway, Suite 203
 Laguna Beach, California 92660

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of September, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Gay Mennuti

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EXHIBIT A

Exhibit 2 BPV-DEP-00014537 (G2 FAQs)

Exhibit 3 Kessler 2nd Supplemental Report

Exhibit 5 Robert Carr 06-16-17 (P. 51 Redacted)

Exhibit 6 Murray Asch 05-02-16 (19:1 Redacted)